

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

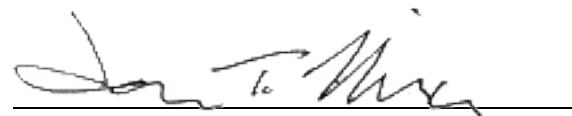
CRAIG CUNNINGHAM,)
)
 Plaintiff,)
)
 v.) No. 3:15-cv-0847
)
 ENAGIC USA INC. et al.,) Judge Nixon
)
 Defendants.)

ORDER

Before the Court are two motions to dismiss filed by plaintiff Enagic USA, Inc. (ECF Nos. 9 and 16), both filed with supporting memoranda of law (ECF Nos. 10 and 17). The Clerk of Court is **DIRECTED** to **TERMINATE** as pending Enagic USA's first motion (ECF No. 9) on the basis that it was superseded by the second motion.

Plaintiff Craig Cunningham has not responded to either motion. Within **14 DAYS** of the date this order is docketed, the plaintiff **MUST** file a response in opposition to the defendant's second motion to dismiss (ECF No. 16) or, alternatively, a motion to amend the complaint along with a proposed amended complaint that corrects the deficiencies identified in the defendant's motion. If the plaintiff does not file a response or motion to amend with proposed amended complaint within the time allotted, the Court will presume that the plaintiff does not oppose the motion.

It is so **ORDERED**.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT